

## **REMARKS**

Applicant gratefully acknowledges the Examiner's withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claims 1, 19, 29 and 33 have been amended and claims 23, 24, 45, 46, 51, 52 and 53 have been canceled herein purely in the interest of furthering the prosecution of this case. Basis for the amendments to claims 1, 19 and 29 is found in the specification at page 24, lines 8-15 and page 26, line 3-page 28, line 16. The other claim amendments merely add the limitations of the canceled claims to the independent claims.

Accordingly, no new matter is submitted by the claim amendments. Claims 1-14, 15-22, 25-44 and 47-50 are now pending in the application. Applicant respectfully requests entry of the amendments and reconsideration and allowance of the pending claims in view of the following remarks.

### **Rejection under 35 U.S.C. § 102 based on Roe, et al. (5,998,695)**

Claims 1-12, 14-17, 19-22, 24-27, 29-44, 46-49 and 51 remain rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,998,695 to Roe, et al. ("Roe"). In the Office Action, the Examiner indicates that Applicant's use of the expression "said at least one treated hydrophilic zone corresponds to only a portion of a surface of said topsheet . . ." does not exclude the article disclosed by Roe (which requires an entire surface to be hydrophilic. In the interest of furthering the prosecution of this case, Applicant has amended the claims to clarify that the article disclosed by Roe is excluded from the present claims. In particular, the foregoing expression has been replaced by the expression "wherein only a portion of a surface of said topsheet defined by an area that corresponds to a predetermined insult point is hydrophilic." Accordingly, the claim as amended excludes Roe's teaching of an article wherein at

least the upper surface of the topsheet 24 is treated to be hydrophilic . . .” Roe, col. 6, ln. 5-7.

Therefore, while Roe fails to disclose an absorbant article wherein only a portion of a surface of the topsheet is hydrophilic, the present claims specifically recite an absorbent article comprising a topsheet wherein only a portion of a surface of the topsheet defined by an area that corresponds to a predetermined insult point is hydrophilic. Applicant reiterates that Figures 1-5 provide further support for this assertion, for, upon review of the figures, one would clearly understand that the hydrophilic zone(s) depicted in the drawings refers to a portion of a surface of a topsheet, rather than an entire surface of the topsheet.

In view of the foregoing claim amendments and arguments, Applicant respectfully requests reconsideration and withdrawal of the rejection and allowance of the pending claims.

### Rejections under 35 U.S.C. § 103

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant respectfully submits that the burden of establishing a *prima facie* case of obviousness has not been met by the Examiner in this

case. Moreover, even if a *prima facie* case of obviousness was established, it would be rebutted by secondary evidence of nonobviousness.

Roe in view of Guidotti et al. (5,741,241)

Claims 13, 18, 23, 28, 45 and 50 are rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,998,695 to Roe, *et al.* ("Roe") in view of Guidotti. Applicant respectfully submits that the foregoing claim amendments and arguments regarding the anticipation rejection clarify the distinctions over the cited references. Guidotti does not remedy the deficiencies of Roe.

In particular, even if combined, the cited references fail to teach or suggest an absorbent article wherein only a portion of a surface of the topsheet is hydrophilic. As such, the cited references fail to teach or suggest all of the elements of claims 13, 18, 23, 45 and 50, and therefore do not support a *prima facie* case of obviousness.

Moreover, Applicant respectfully asserts that the references are not properly combinable because there is no motivation to combine the references to make the modifications regarding the dimensions of the wetting region outside of the teachings of Applicant's patent.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections and allow pending claims 13, 18, 23, 28, 45 and 50.

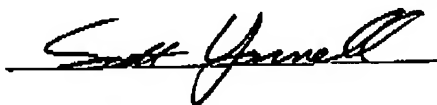
CONCLUSION

For at least the reasons outlined above, Applicant respectfully submits that the application as amended is in condition for allowance. Entry of the amendments and favorable reconsideration and allowance of the pending claims are respectfully

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solicited. Should there be anything further required to place the application in better condition for allowance, Examiner Stephens is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,  
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